Wildland Fuels Committee meeting Thursday, January 24, 2008 9 a.m. to 4:30 p.m. Lake Tahoe Community College
Aspen Room
1 College Drive
South Lake Tahoe, California

CALL TO ORDER

ROLL CALL AND INTRODUCTION OF MEMBERS

Members Present:

Chairman Jim Pena, Kathy Murphy, John Upton, Mike Brown, Allen Biaggi, Norb Szczarek, Pete Anderson

Review and approval of minutes – motion to approve, seconded, approval of minutes passed for December 13, 2007.

Review Agenda including adjournment time – motion to approve the agenda, second, agenda passed without changes. Mr. Pena discussed the adjournment time would be 4 p.m.

Presentation/discussion on a new biomass facility in the Tahoe Basin – Brett Storey:

- We in Placer County are looking to put a facility in the north Basin. The County has been focusing on working with other counties to work with the thinning of the forest and using biomass. Looking at alternatives to burn in cases where it can be successful. The Forest Service (FS) awarded us a grant to look at the technical feasibility.
- Mr. Storey went over the handout (attached) Assessment of Biomass Power and Heat Technologies for Deployment in the Lake Tahoe Basin that included information on:
 - ➤ The Current Situation
 - ➤ A Critical and Viable Solution
 - Project Objectives
 - > Technology Assessment Scope of Work
 - Results and Recommendations
 - ➤ The Future Timeline for a Facility
 - o Stakeholder review in June of 2008
 - o Multiple analysis during 2008
 - o Decision point spring 2009
 - o Possible completion date 2010/2011
- Mr. Biaggi great project, looked at this in Nevada for many years. It is a tough thing to get going. Sure you want to limit yourself to Basin use? There may be times when there is lack of biomass.
- Mr. Storey that is one area we will do the analysis on. Working with the FS on ideas on how we could accomplish projects by acquiring that material. Small program this past summer helping agencies remove materials after the Angora Fire.

- We tracked it, sold to SPI, we have the energy numbers. Working to find out how much pollution that saved.
- Mr. Upton power utilization, you are dealing with regulations which effects the economic feasibility
- Mr. Brown would there be enough output that ski resorts wouldn't need diesel?
- Mr. Storey that is part of our current analysis.
- Mr. Upton shortfall is \$3M?
- Mr. Storey secured \$7M, have grants flowing in, by the end of next summer we will have spent \$1M. We are looking at the cost of meeting federal guidelines; air quality is the biggest issue. We will have studies behind all our permits. The EPA is the big part of this. They want us to succeed.
- Mr. Goines two assessments currently being looked at to see the amount of emissions. The science is not mature, two years out before models are completed and peer-reviewed.
- Ms. Murphy sections of attainment and non-attainment?
- Mr. Storey this air basin meets the attainment levels.
- Mr. Anderson is the high school project dovetailed?
- Mr. Storey we have talked to them, sent them to our consultants. We are supportive of it.
- Mr. Goines the jury is still out. Technology and emissions meet the County and TRPA's regulations. But we have issues that may be insurmountable.
- Mr. Upton the high school has major issues; the storage of materials, sitting next to a low-income housing area and putting pollution into the air.
- Mr. Goines don't see is an assessment of the biomass resource (in the presentation materials)?
- Mr. Storey it will be in there. The FS plan is a menu of where potential material is. It is set at what it cost now.
- Mr. Pena the State Council from California is giving the Commission advice on process and procedure for meeting notices. I will go through how we will operate going forward, addressing and acting on Findings and Recommendations (F&Rs):
 - 1) On meeting notices and agendas there will be more detailed descriptions on F&Rs we intent to discuss. We are working with committee staff to try to increase the clarity on what we will be acting on at the next meeting.
 - 2) We won't be acting on anything in this meeting just discussions. We will go through all the F&Rs not acted on by the committee yet, find out where the committee is with them. We will have public comment on those discussions. Set the stage on what we want on the agenda for the next meeting. We will be able to act on those recommendations adopt or modify.
 - 3) We will have a binder for the public with all the recommendations in process. We are not making copies for everybody. You can request copies from the Commission. Will be reading each recommendation to help put everyone on the same page.

Dialogue –

- Mr. Pena if there are presentations, we will see them, then discuss
 recommendations tied to those presentations. Now is the time to identify if we need
 to put more energy into the F&R. We are not seeing products out of the working
 groups, are their findings the ones the committee members need to more forward?
 There are three more meetings basically, two more meetings to discuss everything
 on the table to move forward.
- Mr. Cole some of these questions will be answered by our attorney tomorrow. If an F&R is drafted by the end of week, we can agendize it. It has to be posted 10-days ahead of the meeting. This committee could approve an F&R to the full Commission but it must be on their agenda. The quickest for the biomass F&R is February 20, the second to the last meeting. Need to get something agendized, tweak the F&R afterward, preliminary language is okay.
- Mr. Storey 75% is done on our biomass F&R.
- Mr. Cole it will be a placeholder on the agenda, need a 20-word description.

a) Biomass –

- Mr. Upton Dennis Crabb and I put forth some ideas at the last meeting. We formed a biomass working group. He handed out an F&R from the Biomass Working Group to discuss.
- Mr. Storey went over the F&R with the group (attached). It basically says we would like to utilize biomass. We tried to support that effort with background and supporting evidence. Recommendations we have eight now, may end up with seven or ten.
- Mr. Cole this is ready to agendize.
- Mr. Pena recommendation number 1 needs more specificity he gave examples. Economic incentives need to be recognized as long-term.
- Mr. Storey we realize we are only at 75%.
- Mr. Biaggi with the budget deficit I think we have to make recommendations for subsidies, economic reality in the grand scheme, projects may rank low in both states. Great start, brevity is the key. Reduce the verbiage. The more information in there, the more people will take exception to certain things. Please make it tight and concise.
- Mr. Upton focus more on feasibility, not so much discussion on potential projects. To other committee members – should we make a comment on the fiscal limitations?
- Mr. Pena ask for process, not just money. Encourage private investment. Make sure we have a mix, hard money and incentives (translate to money).
- Mr. Storey viable projects match up with other foundations.
- Mr. Marlow not just a FS plan comprehensive plan, community-wide.
- Mr. Anderson target date for completion?
- Mr. Storey my goal to be done before the next meeting.
- Mr. Cole have you considered the carbon offset?
- Mr. Storey it was pulled out, but I can add it back in

- Mr. Cole I think the length is okay. Things will be left out in the final report. Nothing wrong with having 8-9 recommendations. Recommendation #4 captures another F&R that went forward last time. Please incorporate road access into there. We are trying to avoid redundancies.
- Mr. Pena is the working group having any other F&Rs presented today? Need to have them before Monday. To the committee, do you see any other biomass or fuels treatment issues, other findings on fuels treatments? Keep that in mind as we go through findings, make sure we capture other findings in this area daylight it.
- Mr. Adams number eight has a quota? I could change projects to produce more biomass as an alternative to burning. A quota makes me nervous. You should look at an annual program not a quota.
- Mr. Marlow I concur on not having a quota. Agencies need more flexibility.
- Ms. Daugherty on Conservancy projects, we are happy to use biomass, but don't want to be pressured when that's not the best alternative.
- Mr. Singer set up criteria, biomass is appropriate with these criteria.
- Mr. Goines should there be a recommendation on the regulatory review you are going to do, review of existing regulations?
- Mr. Storey we will add a separate recommendation of agency's review.
- Mr. Goines there is a senate bill that disqualifies biomass from federal land. Could be a barrier.
- Mr. Pena you guys work out if you want to incorporate. I'm hearing the committee is comfortable where this is headed. Will be agendized and go from there.

Rich Adams went over the F&Rs he submitted (V007):

- Finding: Increasing Risk of Catastrophic Fire
- Recommendation: Restoration of forests to a fire-resilient condition.
- Puts us on the same page so we can move forward with other F&Rs.
- Mr. Anderson **Action item**: do you want to expand to include regulatory agencies?
- Mr. Pena adopt as modified from the discussions today for the next meeting.
- Mr. Marlow in regards to private lands those entities need approval to ignite. Ensure they know what they are doing.
- Mr. Pena are we comfortable with adding private? **Action item**: yes add
- Mr. Brown public with private?
- Mr. Pena **Action item**: should say common management goal of all private and public land in the basin
- Mr. Pena **Action item:** Mr. Szczurek and Mr. Upton will clean-up and get this back out.

Finding #8 – Prescribed Fire – Rich Adams:

- Finding: Prescribed Fire must be promoted and increasingly employed in the Lake Tahoe Basin as a fuel reduction tool.
- Recommendations:

- 1) The CA Air Resources Board and local Air Pollution Control Districts should permit more prescribed burning ahead of good dispersal conditions by declaring and permitting more marginal burn days with improving conditions the day before the arrival of a weather system.
- 2) Allow use of prescribed fire including pile burning, understory burnings and broadcast burning in SEZ with a standard width watercourse buffer.
- Mr. Upton any chance these could be incorporated in the air quality findings?
- Mr. Adams -1^{st} recommendation is not, 2^{nd} does not apply
- Mr. Szczurek can you put emphasis on positive aspects of prescribed burning?
- Mr. Adams **Action item**: yes, I heavily believe in it.
- Mr. Szczurek a lot of people don't recognize the positive of burning, need to build on it. I can help you with it.
- Mr. Pena can this be flushed out by the next meeting? We need another recommendation that speaks to the balance of using prescribed fire and the other fuels disposal methods. **Action item**: Mr. Szczurek will write something up and send it to you.
- Mr. Upton maybe #1 go to air quality recommendations, #2 could go under SEZ.
- Mr. Pena the finding we don't want to lose. We can talk about blending them in. Need to communicate a balance between the tools.
- Mr. Anderson make it consistent to both states.
- Mr. Biaggi **Action item**: have appropriate regulatory agencies review requirements for consistency.
- Ms. Quashnick there is an issue of having all air quality representatives working and agreeing on recommendations.
- Mr. Biaggi so we shouldn't include because the work group can't agree?
- Ms. Quashnick don't want a list of recommendations that not everyone agreed to. How to deal with the situation? It would be helpful to identify pros and cons of understory vs. broadcast burning. Not enough people know the difference. Add that to this recommendation. In terms of recommendation #2, how often is pile burning in a SEZ been a problem?
- Mr. Adams all the time, SEZs are everywhere, problem in every project. We just exclude.
- Ms. Quashnick are you finding SEZs are extending out ¼ mile from stream channel?
- Mr. Adams I'm not proposing burning in wet meadows. Dry areas.
- Ms. Quashnick would additional language like that be helpful?
- Mr. Adams **Action item**: add another paragraph about SEZs.
- Mr. Marlow Forest Practices Act is a good guide. Untreated SEZs serve as the wick.
- Ms. Daugherty safety issue for crew members, injuries when move out everything from SEZs. I would eliminate that.
- Mr. Pena **Action item**: want to see this move forward with Mr. Upton and Mr. Adams massaging it by Wednesday. Present at the next meeting.

Fining and Recommendation #12 – need to reagendize for the next meeting - Mr. Anderson:

- Finding: Temporary road access for mechanized harvesting equipment is critically necessary.
- Recommendation: Governors, TRPA, Lahontan conduct a review and revision of the Lake Tahoe Basin federal, state and local regulations and facilitate the necessary revisions to allow the use of temporary access roads to expedite forest health.
- Mr.Vollmer I don't think there is any regulation against temporary roads
- Ms. Kemper there are no regulations against temporary roads
- Mr. Marlow if the regulatory agencies would say they are willing to accept the construction and maintenance of temporary roads for fuels treatments, that would go a long way.
- Mr. Brown looking at biomass, this needs to be a consideration.
- Ms. Norman what happens after we leave? Doesn't the road become permanent?
- Mr. Harris BMPs reflect what the Basin wants to have.
- Mr. Upton standard BMPs that everyone agrees to.
- Mr. Pena sounds like another recommendation.
- Ms. Quashnick established temp roads are allowed, we should focus on better establishing BMPs. Fear that we do more than what is currently allowed now. Alternative technology could have been used at Slaughterhouse Canyon. We want to see alternatives used that cause less damage.
- Ms. Kemper nothing in the rules about no temp roads. CEQA and NEPA rules for roads. Not sure of the need for this recommendation. Every site and situation is different. Not every road carries sediment to the lake, some are too far. So a standard would not work. Needs to be on a individual basis for BMPs.
- Mr. Pena TRPA or Lahontan doesn't prohibit roads but the process is so
 onerous that it prohibits it. We don't believe that the regulatory agencies are
 understanding how much of an impact from a time and cost standpoint. Trying to
 make sure the process doesn't take 3 years and \$500K. Important you hear
 people think it is as good as a prohibition.
- Ms. Quashnick FS getting South Shore going. Benefit looking at one environment analysis for a huge area. Cheaper and faster. Permitting issue and desire to relax regulatory structure is that group looking at that?
- Ms. Kemper we are looking at bundling, MAC is also looking at packaging.
- Ms. Murphy are there things you can recommend to Mr. Anderson to get crews out there on the projects.
- Ms. Kemper people in the Basin have been working with limited funds and time
- Mr. Kral isn't the overall theme to treat fuels? Don't you need a road system other than a temp road system?
- Mr. Biaggi did come up in our last meeting. Some point it becomes more than a temp road. Have to address it again in 5-10 years.

- Mr. Kral it is not cheap to build a road, decommission it and then it build again.
- Mr. Pena how much of a trade-off are we willing to take for potential impact to lake clarity?
- Mr. Brown manage it now or clean it up later.
- Mr. Upton we are way behind the curve right now. Can we have solution to get more projects on the ground sooner, what is necessary for maintenance?
- Ms. Quashnick cost issue, bound by law to follow TMDL. That sediment has to be decreased somewhere else. Comparing impacts water quality guys have been monitoring the lake since the fire, getting the results this spring, saying it won't be as detrimental as we thought.
- Mr. Pena where would the committee like to go with this?
- Mr. Anderson we need an emergency declaration, the bureaucracy is not working.
- Mr. Pena I hear what the regulatory agencies are saying, I am concerned that we don't have anything to address the other side of that. Need more urgency. Speed up the process, get access in a timeframe that we need, not 2-3 years out.
- Mr. Pena possible to massage and have back next Wednesday?
- Mr. Anderson yes

Finding and Recommendation V-020

- Finding: The current system of funding proposed projects is structured in such a way as to discourage cooperative and collaborative decision making.
- Recommendation: Restructure funding programs to provide funding priority to projects which result from collaborative and cooperative effort between agencies.
- Mr. Anderson is this specific to SNPLMA?
- Mr. Upton what would be the Governors' power to influence? Offer an opinion on how the priorities are set? The collaborative process now being developed is helping.
- Mr. Brown confused, different programs competing.
- Mr. Pena there is competition for fuels treatment dollars. FS against Fire Districts.
- Mr. Biaggi need more specificity, current system of funding? Which are we talking about? Needs work. I don't see changes to SNPLMA taking place.
- Ms. Quashnick wording of recommendation, Fire Safe Counsel doing individual homes vs. FS.
- Mr. Marlow Round 8 was competition. Round 9 was fixed, scoring for hazardous fuels projects collaboratively got more points.
- Mr. Pena **Action item**: Add to recommendation or modify by developing more multi-jurisdictional projects. Reduces competition. We can decide on the scope, narrow or broad? How would we adjust the background depending on which way we go?
- Mr. Pena Action item: Add recommendation that the MAC group is working together. I will take this on and massage.

- Finding: The MAC Group established a ten-year plan to address fire issues in the Tahoe Basin. It does not establish clear priorities.
- Recommendations: Prioritize projects to immediately proceed with TRPA or Lahontan approval.
- Mr. Biaggi are we forcing the plan to be something it was never suppose to be?
- Mr. Pena we are trying to nail down what we wanted them to do, and who would do it by criteria.
- Mr. Brown they may be working on this next door at the other committee.
- Ms. Quashnik I thought already prioritized with more risks coming first, instead of doing the easy stuff first. I'm confused about TRPA, Lahontan regulations; the word community is an issue. Not sure of priority.
- Ms. Murphy I was thinking community defense zone.
- Mr. Pena broadens the established priority.
- Mr. Brown looked at annually to see what work needs to be done, things change
- Action item: work with Dennis on wording.

Air Quality Work Group - Kathy Murphy:

- Mr. Pena have the F&Rs ready for Wednesday. We will have some hardcopy but we recommend you go to the website if you want to see the F&Rs.
- Mr. Biaggi Nevada is going to submit an F&R. Our burn-no-burn analysis is working well.

Permit and Streamlining Group – Lauri Kemper:

- Mr. Pena we need the F&Rs by Friday
- Ms. Kemper the group has had discussions and are pulling it all together, unfortunately people are splintering off. Some agencies are doing their own thing.
- Ms. Murphy if you have it we can agendize it. Flush it out later and get more consensus.

Finding and Recommendation 005 Rich Adams:

- Finding: Regulatory Environment There are numerous conflicting land management and environmental laws and regulations that impede the ability to plan and implement forest fuels reduction projects in the Lake Tahoe Basin.
- Recommendations:
 - 1) Allow Public Agencies to implement fuels reduction projects under CEQA, NEPA, State Forest Practice Rules without filing a TRPA or Lahontan permit.
 - 2) Streamline permitting of heavy equipment for forest restoration in SEZs.
 - 3) Permit all fuels reduction projects requiring a TRPA permit through the TRPA qualified Exempt Activity process.
 - 4) Allow hand work for forest restoration and fuels reduction without heavy equipment on upland forest not in SEZ without filing a Lahontan Waiver.
 - 5) Allow winter operation with heavy equipment for fuels reduction over snow or over frozen ground and not in SEZs through the Lahontan Waiver Category 1b or 1c.

- 6) Raise the minimum diameter limit of live trees requiring a TRPA tree removal permit from 6 inches to 14 inches DBH.
- 7) Add to the TRPA reasons for tree removal ordinance the encroachment of a tree on a facility including driveways.
- Ms. Murphy if number 1 is adopted, would it get rid of some of the other ones?
- Mr. Adams others would still be needed for private property
- Mr. Pena when we get the recommendations from the Permit Streamlining Group we need to compare to these. Hang on to these for the next meeting for comparison.
- Ms. Quashnick #1 in terms of wording, CEQA and NEPA are not a permitting process, need to clarify. #7 isn't an appropriate issue for this committee to deal with.
- Ms. Huggins #7 is in the purview of the Commission. Cal-Fire would be interested in looking into it.
- Mr. Pena if a landowner went to Cal-Fire for access for fire suppression, determine tree remove, TRPA has to concur?
- Ms. Huggins I would consult with TRPA but I would mark the tree.
- Mr. Vollmer we have deferred to the fire officials before.

Finding and Recommendations

- Ms. Huggins regarding hand-thinning work.
- Finding Newly adopted Lahontan RWQCB creates additional project paperwork, additional time until project implementation and restrictions that results in little if any environmental benefits.
- Recommendation: Eliminate RWQCB requirement.
- Ms. Huggins the Chiefs put out the money, time and effort to take on the
 responsibility of hand crews. Question becomes where is it shown that hand
 thinning causes degradation? We are trying to get out of a lot of paperwork.
 Bogged down in more and more. We haven't seen where hand thinning should be
 going that way.
- Mr. Biaggi bottom line you don't want permitting for hand thinning?
- Ms. Huggins we are working on the 10-year plan, much coordination, no one is doing anything in the dark. Move forward and peel back paperwork.
- Ms. Murphy how much more impact on time and resources?
- Ms. Daugherty 30 projects at any given time, keep tract of the 30 different waivers and small nightmare in itself. I came here in 2000 and we did not give the water board any notification. Does permitting through TRPA satisfy Lahontan at the same time? Changed in 2003 and 2007. Had to refile all permits again, all expired.
- Mr. Pena activities considered a discharge? If there is no mechanical, not a discharge.
- Mr. Singer We look at activities that have a potential to cause a discharge. Hand crews can cause a disturbance and a discharge. We have seen issues where people have created disturbance in the soil (driving the material out, dragging the logs). We have not made a difference between logging and hand thinning.

- Ms. Huggins I'm not talking about use of a pickup truck, different issue. Steep work. Purpose of this commission is to streamline the permitting process. As you can see there is not agreement between the agencies. I am asking the committee to consider this recommendation.
- Mr. Singer dialogue good, we have lumped together all hand thinning.
- Mr. Kemper read the recommendation to eliminate hand thinning reviews. We have committed to two things: We ask for a single piece of paper with a map attached. We are prepared to change our waiver. Under no notification or annual plan. We are not getting in the way, just a matter of a map. Already prepared.
- Ms. Murphy do you think what she is proposing can be worked out for the next meeting.
- Ms. Kemper one point of contention.
- Ms. Huggins other agencies did not agree with Lauri's suggestion so that is why we submitted this.
- Mr. Pena want to be clear on basis of permit. Mechanized work that is removed of slash to someplace off-site is the focus of what triggers.
- Mr. Singer disturbance of the soil. First I have heard of distinctions between hand thinning.
- Ms. Kemper we have only required a permit since 2004 as directed by the legislature. We are ready to take changes to our Board. We are hoping the MAC work will take care of applications. We are getting out of the urban lot business.
- Mr. Brown The Basin Chiefs fully endorse this F&R.
- Mr. LeFevre we (FS) are in support also. Hand thinning the only tool we have left, less permitting the better.
- Mr. Pena **Action item**: One of the things helpful for the committee to pick up on that it is purely hand thinning. Could you make it clearer?
- Mr. Singer point of contention cost of hand thinning recommendation stands alone without that. Leaving it out would be appropriate.
- Ms. Murphy when is Lahontan getting out of requiring permit?
- Mr. Singer potential discharge must be permitted.
- Mr. Pena **Action item**: Agendize this for the next meeting. Work on this with V-005.
- Mr. Cushman— we have a requirement by the legislature to issue a permit or waiver. Waiver can be done within 30 days, waste discharge 90 days. Allows someone to receive coverage under a waiver at no cost. But we do need notification. Can't say we are fulfilling our mandate if we don't know what is happening. MAC wants to submit a grand plan that reduces the magnitude.
- Mr. Pena we will revisit at next meeting.
- Ms. Daugherty TRPA regulates hand crews too.
- Mr. Kral the Central Valley Board does not require hand thinning permits. Does the legislature change when it cresses Nevada?
- Mr. Pena may want to add something to address the discretion Lahontan is using. The difference in professional opinion on discharge. Boards are independent and determine differently.

Findings and Recommendations V-015.

- Finding: The imposition of comprehensive project monitoring as a project condition upon individual contractors and agencies performing fire risk reduction projects reduces both project performance and the application of adaptive management science.
- Recommendation:
 - 1) Direct state agencies involved in permitting fire risk reduction projects to eliminate evaluation and effectiveness monitoring from permitting requirements.
 - 2) Direct state agencies that have expertise for performing evaluation and effectiveness monitoring to take on this project implementation role for fire risk reduction projects.
- Ms. Quashnick the recommendation is to shift who does it? Revise wording in finding to make clearer.
- Mr. Singer adaptive management, what can we learn from this or the other part is to go back and if something isn't working fix it. Everyone wants to see that.
- Mr. Pena within this Basin there is potential to form a third party system with TSC (example). This will help to get more consistent monitoring. **Action item**: adjust the recommendation to a third party monitoring system.
- Mr. Singer TSC doesn't have the funding or staffing to do this.
- Ms. Norman the FS has had a monitoring program for 15 years, the best I've ever seen. I recommendation to follow the model of the FS.
- Mr. Pena agendize for the next meeting.

Finding and Recommendations from V-022 – Bud Hicks:

- Finding: The lack of clarity as to what constitutes a stream environment zone and the conflicting interpretations by the various agencies as to whether an area is a SEZ has led to confusion among property owners and contractors trying to clear SEZ of hazardous fuels materials and has therefore discouraged such activities.
- Recommendations:
 - 1) The Governors should request the TRPA Governing Board to establish a clear definition of what constitutes a SEZ.
 - 2) The regulatory restrictions and limitations presently existing on SEZs should be relaxed or modified.
- Mr. Biaggi a lot of good things here, a lot of work.
- Mr. Pena agendize this, see what is coming out of the Permit Streamlining Group and see how it fits in.
- Mr. Upton **Action item**: We will put together our ideas with Bud.
- Mr. Pena Amy identified some things she was going to submit, we won't be
 able to deal with unless we see them soon. Are there any findings that have not
 been brought forward with fuels, permits, or SEZs that still needs to be
 addressed?
- Mr. Upton **Action item**: Agendize the over-the-snow standard coming forth with the Permit Streamlining Group.

- California Licensed Forestry Association has nine recommendations today Mr. Kral: We would like to see a focus on commercial saw logs, landscape, and Basin level planning. I will leave the information here.
- Mr. Pena **Action item**: Submit for the agenda.
- Next meeting February 7
- Adjourned 4:30 p.m.